



March 1, 2007

AGENDA

COLUMBIA COUNTY PLANNING COMMISSION

The Columbia County Board of Commissioners appoints the Planning Commission. One of its purposes is to conduct public hearings relating to planning and zoning. The information gathered at this public hearing and the recommendations of the Planning Commission are forwarded to the Board of Commissioners. The Board of Commissioners takes the final action on matters presented to them based on information from the public hearing, the recommendation of the Planning Commission and debate among the Board at the Commission meeting. Anyone desiring to speak before the Planning Commission is limited to 10 minutes. If a group wishes to speak, one person must be designated to speak for the group.

Call to Order	Chairperson Hall
Invocation	Brett McGuire
Pledge of Allegiance	Jean Garniewicz
Quorum	Chairperson Hall
Approval of Minutes for February 15, 2007	Chairperson Hall
Reading of the Agenda	Director Browning
Approval of the Agenda	Chairperson Hall

Old Business

Preliminary Plat	Staff
1. Courtyards at Crawford Creek , William Smith Boulevard off of Hereford Farm Road, Zoned PUD, 92 units, 15.20 acres, <i>Commission District 3</i> . [Map] [Site Plan] [Staff Report]	
2. Emerson Woods , Freeman-Harriss Road, Zoned R-A, 7 lots, 24.77 acres, <i>Commission District 4</i> . [Map] [Site Plan] [Staff Report]	
3. Full Moon Fishing Club , Full Moon Drive off of Keg Creek Drive, 9 lots, 3.66 acres, <i>Commission District 3</i> . [Map] [Site Plan] [Staff Report]	

New Business

Final Plat	Staff
4. Dunwoody Estates , Cobbham Road, Zoned R-A, 21 lots, 57.50 acres, <i>Commission District 4</i> . [Map] [Site Plan] [Staff Report]	
5. Brook Village II and III , Washington Road, Zoned PUD, 31 units, 4.26 acres, <i>Commission District 3</i> . [Map] [Site Plan] [Staff Report]	
Preliminary Plat	Staff
6. Jessie Court , Jessie Road, Zoned R-3A, 26 lots (13 duplexes), 4.90 acres, <i>Commission District 3</i> . [Map] [Site Plan] [Staff Report]	
7. Marshall Office Park , Industrial Park Drive, Zoned PUD, 11 lots, 15.50 acres, <i>Commission District 1</i> . [Map] [Site Plan] [Staff Report]	
Rezoning	Staff
Staff Comments	Staff
8. Planning Commission Rules of Conduct [Rules of Conduct]	



AGENDA

COLUMBIA COUNTY PLANNING COMMISSION

March 1, 2007

Public Comments.....Chairperson

AdjournChairperson

Columbia County Planning Commission	
Commission District and Commissioners	Planning Commissioner
Ron C. Cross, Chairman	Brett McGuire, Vice-chairman
District 1 [Ron Thigpen]	Jean Garniewicz
District 2 [Tommy Mercer]	Dean Thompson
District 3 [Diane Ford]	Deanne Hall, Chairperson
District 4 [Lee Anderson]	Tony Atkins

Meeting Schedule: March 2007

Board/Commission	Date	Time	Location
Planning Commission	March 1, 2007	6:30 PM	Evans Government Center Auditorium
Board of Commissioners	March 6, 2007	6:00 PM	Appling Court House, Appling, GA
Planning Commission	March 15, 2007	6:30 PM	Evans Government Center Auditorium
Board of Commissioners	March 20, 2007	6:00 PM	Evans Government Center Auditorium
Planning and Engineering Services Committee	March 27, 2007	8:00 AM	Evans Government Center Auditorium

Rezoning and variance items going forward to the Board of Commissioners on this agenda will be heard on **Tuesday, March 20, 2007** at 6:30 PM in the Evans Government Center Auditorium. Anyone desiring to speak at the Board of Commissioners must call (706) 868-3379 before noon on Friday, March 16, 2007 to place their name on the agenda for presentation.

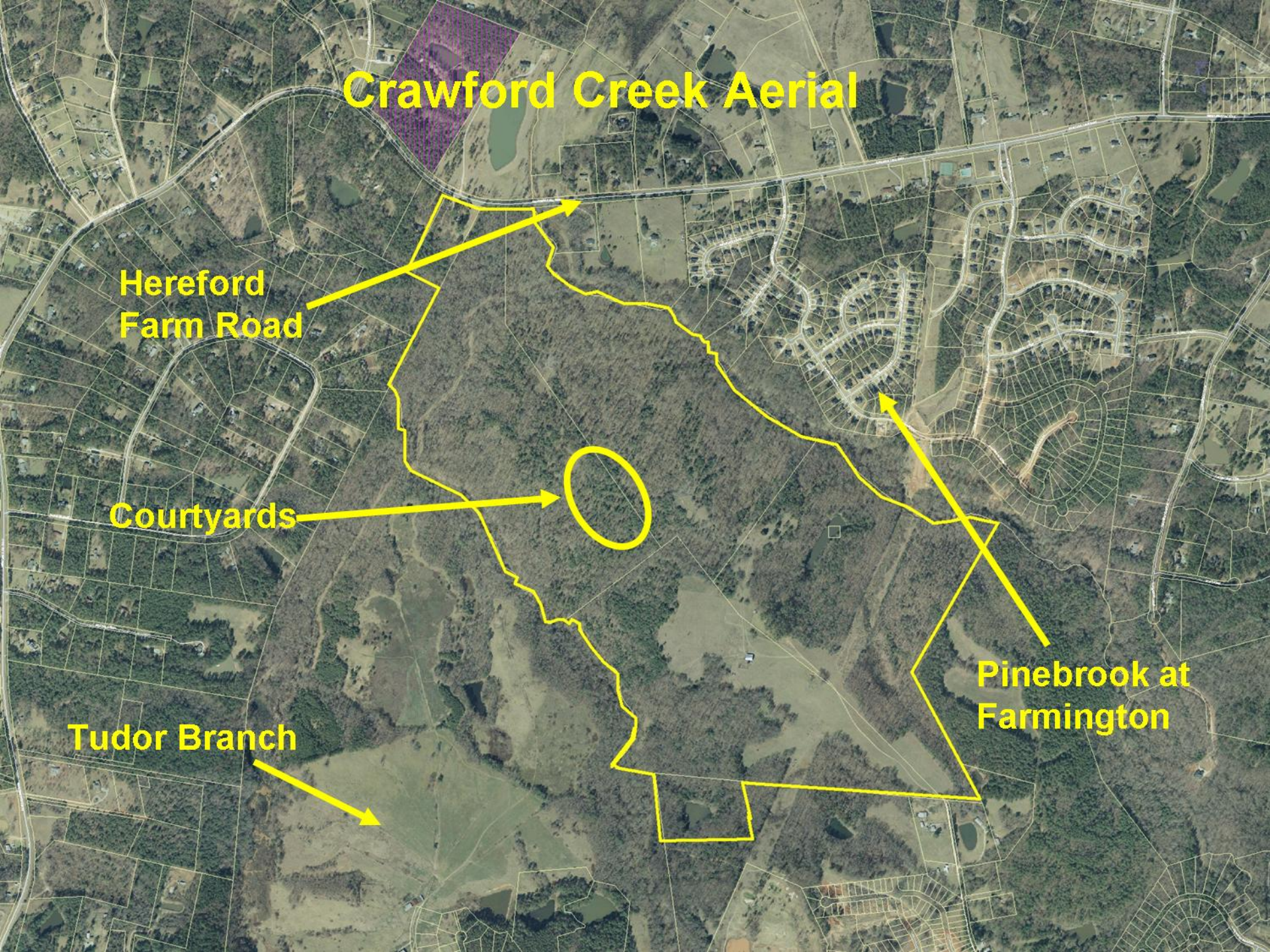
Crawford Creek Aerial

Hereford
Farm Road

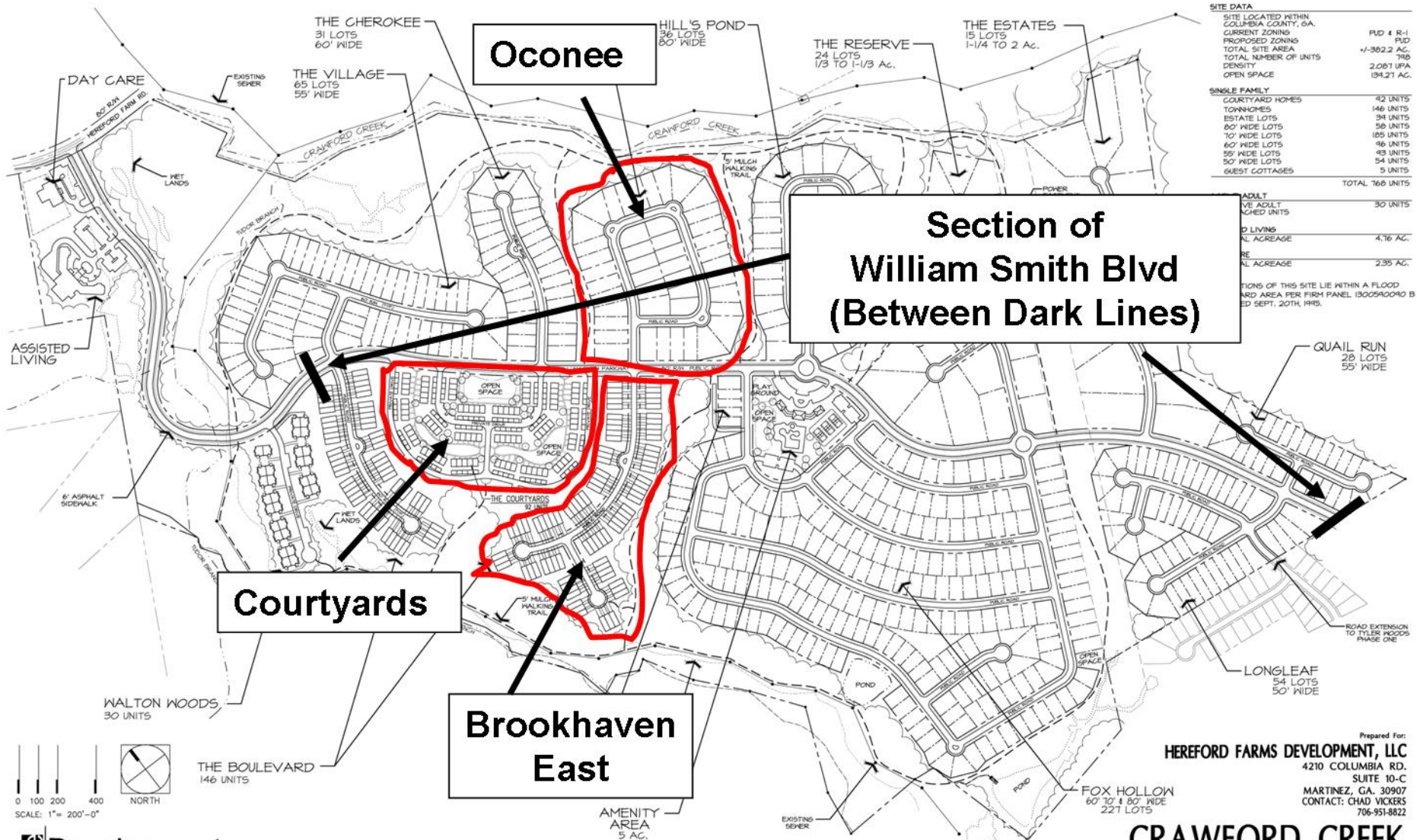
Courtyards

Tudor Branch

Pinebrook at
Farmington



Crawford Creek Master Plan



Site Development Consultants, Inc.

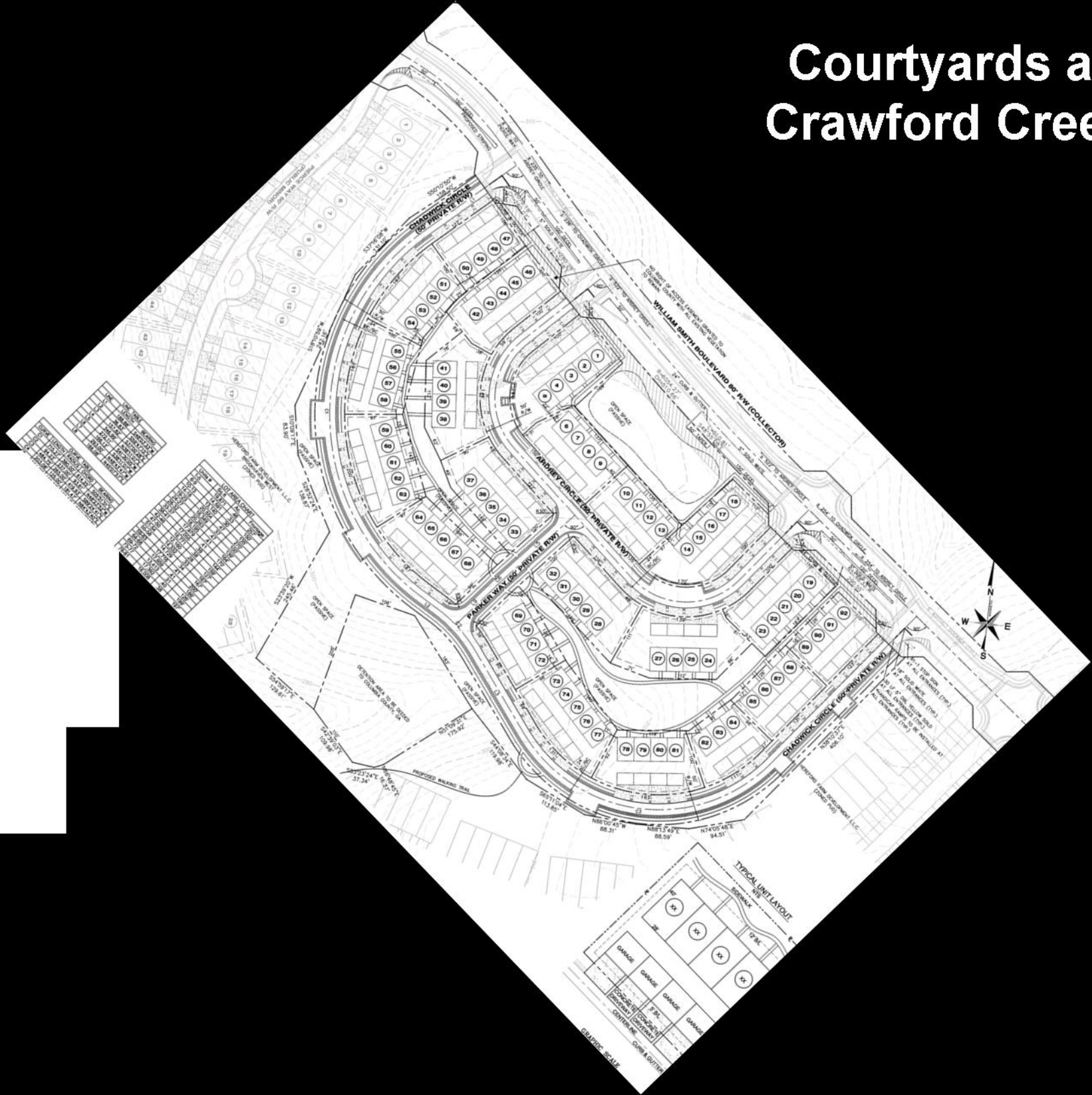
Land Planning • Site Development • Landscape Architecture
1875 Old Atlanta Rd., Suite 410, Roswell, GA 30076, Tel 678-205-2026, Fax 678-205-2027

Prepared For:
HEREFORD FARMS DEVELOPMENT, LLC
4210 COLUMBIA RD.
SUITE 10-C
MARTINEZ, GA. 30907
CONTACT: CHAD VICKERS
706-951-8822

CRAWFORD CREEK
CONCEPTUAL MASTER PLAN

DATE: 11/10/05

Courtyards at Crawford Creek





PRELIMINARY PLAT

COURTYARDS AT CRAWFORD CREEK

Property Information

Subdivision Name	Courtyards at Crawford Creek
Location/address	William Smith Boulevard off of Hereford Farm Road
Development Acreage	15.20 acres
Number of lots/units	92 units (6.05 units/acre)
Zoning	Planned Unit Development (PUD)
Engineer/Surveyor	Elite Engineering
Commission District	District 3 (Ford)
Recommendation	Tabling at the Petitioner's Request

Summary and Recommendation

On February 1 this item was tabled at the petitioner's request until March 1 (two meetings) to allow additional time for the civil engineer to address staff comments. The applicant is once again requesting to table this item because the civil engineer is still revising the storm system and the sewer system, which is a difficult process. The required corrections will not be submitted for county review in time for the March 1 Planning Commission meeting.

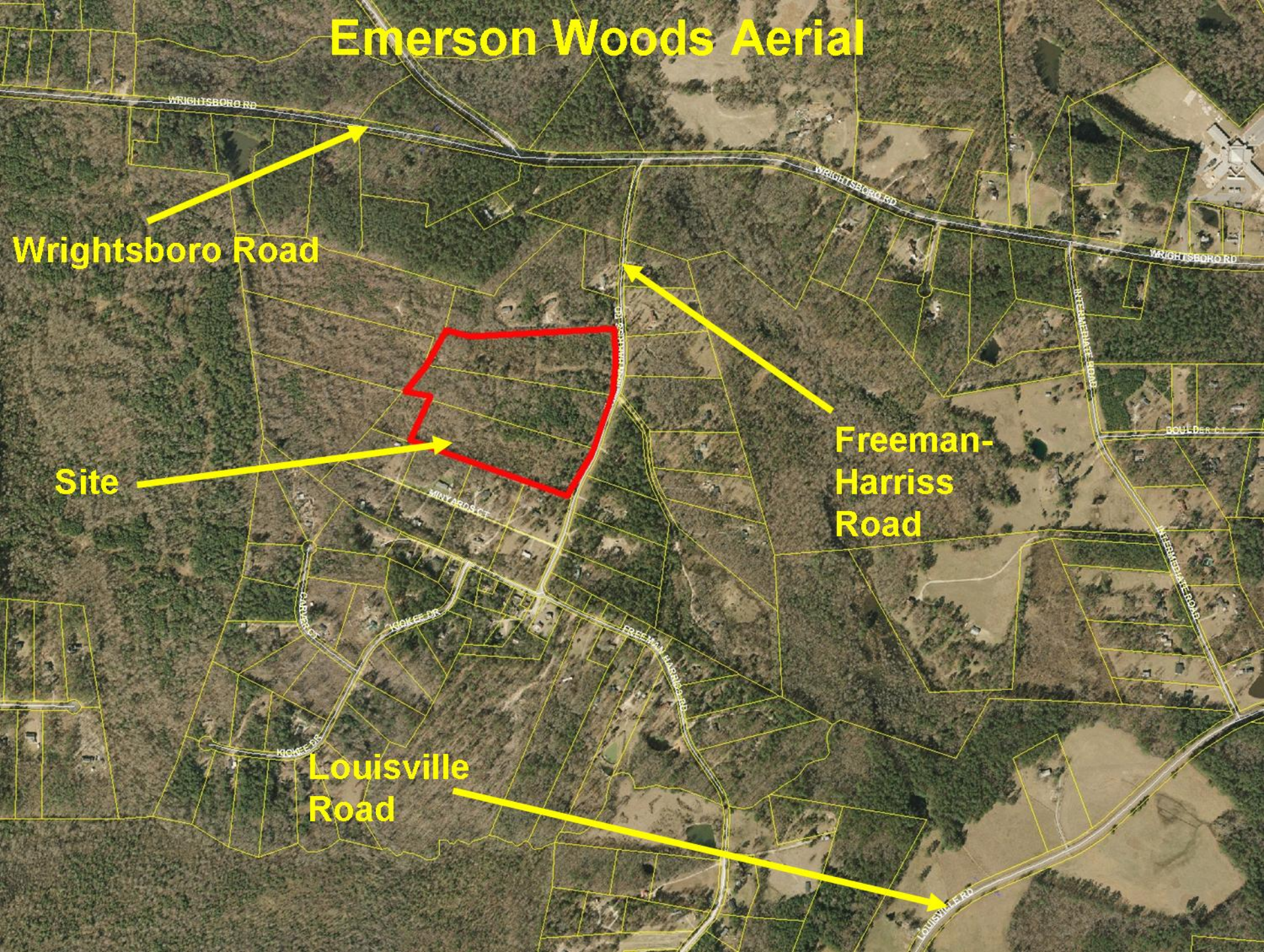
Staff is suggesting that the subdivision be tabled until the March 15 meeting on the assumption the developer and his engineer can accomplish the necessary changes and the county staff can review by March 15. By that time the developer will have had well over two months to get the subdivision in order. In the event the developer and his engineer do not submit acceptable plans in time for March 15 staff will likely suggest disapproval on March 15.

This subdivision is a part of the large development called Crawford Creek that is located south of Hereford Farm Road and north of Columbia Road. The project is a PUD with varying kinds of housing ranging from large lot single family to town home development. The project is being done in phases with several of the phases moving rather rapidly. The project also includes the construction of a collector road between Hereford Farm Road and Columbia Road.

This subdivision was submitted to the county on September 26 for the typical 30 to 35 day review cycle. It has not received approvals from the various county agencies or from Natural Resources and Conservation (NRCS).

Staff recommends **tabling this item at the petitioner's request to March 15, 2007**. If not completed by then staff will recommend disapproval at that time.

Emerson Woods Aerial



WRIGHTSBORO RD

WRIGHTSBORO RD

WRIGHTSBORO RD

INVERNESS RD

BOULDER CT

INVERNESS RD

LOUISVILLE RD

FREEMAN-HARRISS RD

MYRDS CT

KOKEE DR

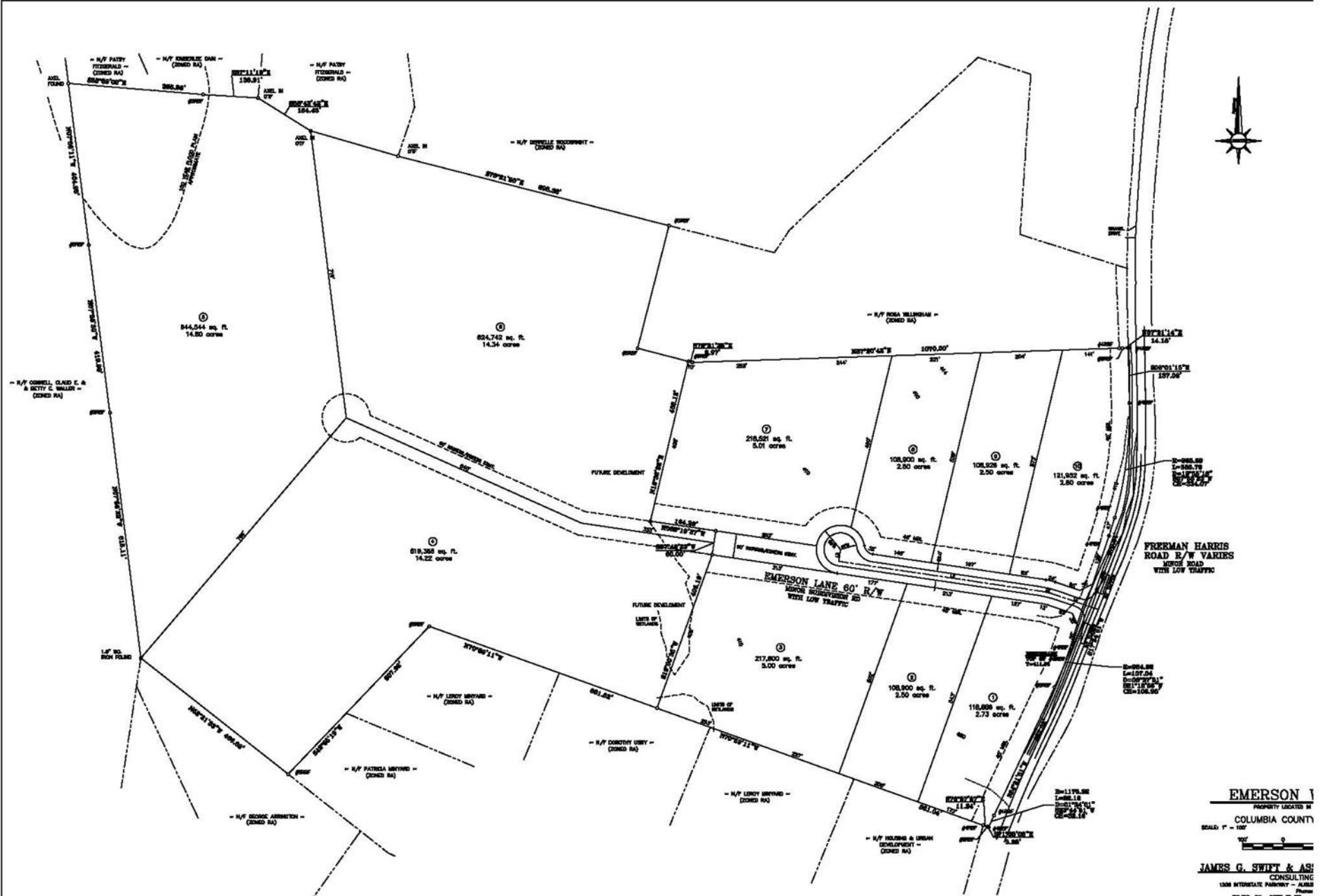
KOKEE DR

Louisville Road

Freeman-Harriss Road

Wrightsboro Road

Site





PRELIMINARY PLAT

EMERSON WOODS

Property Information

Subdivision Name	Emerson Woods
Location/address	Freeman-Harriss Road
Development Acreage	24.77 acres
Number of lots/units	7 lots (3.54 acres/lot)
Zoning	R-A (Residential Agricultural)
Engineer/Surveyor	James Swift & Associates
Commission District	District 4 (Anderson)
Recommendation	Tabling at the Petitioner's Request

Summary and Recommendation

William Murphy seeks preliminary plat approval for Emerson Woods located on Freeman-Harriss Road. This subdivision contains 7 lots on 24.77 acres for an average of 3.54 acres per lot. It is zoned R-A (Residential Agricultural). The plans have gone through numerous changes and re-designs due to the presence of significant soil issues that have made septic approval nearly impossible. Thus, it has been determined from a soil survey by the Health Department that only 7 lots are feasible at this time for septic drainage. Further, the subdivision has not received approvals from Natural Resources and Conservation (NRCS). Without this required approval, the subdivision cannot be approved on March 1.

Staff recommends **tabling this item at the petitioner's request to March 15, 2007**. If not completed by then staff will recommend disapproval at that time.

Full Moon Fishing Club aerial



Clarks Hill
Reservoir

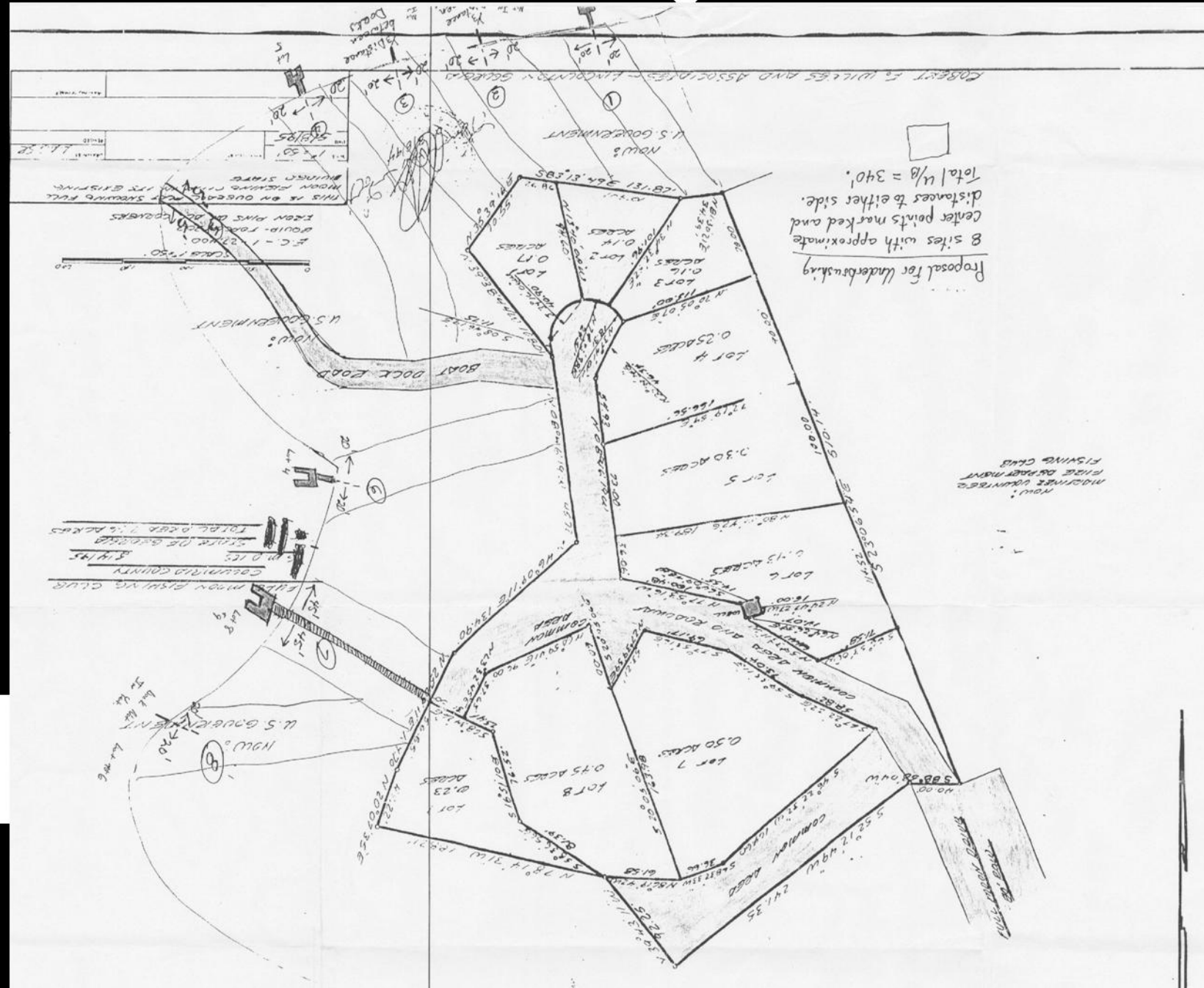
Full Moon
Fishing Club

Martinez
Volunteer
Recreation
Club

Full Moon
Drive

FULL MOON DR

Full Moon Fishing Club Plat





PRELIMINARY PLAT

FULL MOON FISHING CLUB

Property Information

Subdivision Name	Full Moon Fishing Club
Location/address	Chigoe Circle off of Full Moon Road
Development Acreage	3.66 to 3.75 acres
Number of lots/units	9 lots (2.4 lots/acre)
Zoning	R-4 (Recreational residential)
Engineer/Surveyor	Robert F. Wilkes and Associates
Commission District	District 3 (Ford)
Recommendation	Disapproval

Summary and Recommendation

Note: This item was tabled on February 15 in order for the applicant and staff to research the matter further.

Staff research has indicated that this matter was first brought to the Columbia County Planning and Development Department in 1995. Since the initial request, staff has consistently, (for a period of nearly 12 years), informed the Club that the only way that the property can be subdivided is in accordance with subdivision and zoning regulations. The only way in which the property could be subdivided under the current R-4 zoning would be to establish lots with a minimum lot area of 40,000 square feet, with each lot having 75 feet of frontage on either a public road or a private road which meets minimum standards, and with individual septic systems that have been approved by the Health Department. To date, none of these requirements have been met. Therefore, staff has no other option than to recommend that the subdivision not be approved.

Original Report

Mr. C. Emory Towner, president of Full Moon Fishing Club, is requesting subdivision approval on the club's property to divide the 3.66 to 3.75 acre property into nine lots. There are several errors in Mr. Towner's letter seeking approval of the subdivision. First, he states the property is currently zoned S-1. According to the county's official zoning map the property is zoned R-4, recreational residential.

Mr. Towner states that the property is divided into nine lots, common area and private roadway. In fact the property is not subdivided but is contained in one tract. If there were nine lots already created there would be no need for this current request to subdivide.

According to Mr. Towner's letter each of the nine club members leases a lot within the acreage. In fact, staff believes each club member leases a designated portion of the total site for each



PRELIMINARY PLAT

FULL MOON FISHING CLUB

club member's private use. Likely the nine club members have established what they consider to be their designated area and have come to perceive that portion of the site as their "lot." This current request is intended to establish actual lots through the subdivision process.

Staff cannot recommend approval of the subdivision because it violates various requirements of the zoning ordinance. The R-4 zoning district requires that each lot created must contain 40,000 square feet, or 0.92 acre. The lots proposed fall woefully short of this area requirement. The largest lot is 0.50 acre (21,780 square feet) and the smallest lot is 0.14 acre (6,098 square feet). Only 2.63 acres of the site are devoted to the lots; thus, the average lot area of the nine lots is 0.29 acre, or less than one-third of one acre. Put another way the average lot size is less than one-third the minimum lot size required by the zoning ordinance.

Section 90-179 of the zoning ordinances pertaining to variances states: "nor may a minimum lot size required in the applicable zoning district be reduced [by variance]." Clearly the subdivision as proposed will not meet the lot size requirements of the R-4 zoning district, and the ordinance further prohibits granting any relief through a variance. There are other practical difficulties including the inability to provide for sewage disposal, potable water, and possibly adequate setbacks. The plat as submitted includes none of the engineering and other requirements for plat submittal that would indicate how the roads and utilities would be upgraded to required standards.

Mr. Towner states in his letter that the next door facility, the Martinez Volunteer Rec Club was allowed to subdivide around 1993. At that time the rules of zoning and subdivision may have been different. That action, however, has no bearing on what the planning commission is empowered to do now under the zoning and subdivision regulations. Staff is of the opinion that the planning commission is not empowered to create lots by subdividing that violate the zoning ordinance. Further, the zoning ordinance expressly prohibits giving any sort of relief to the minimum lot size requirement through the variance mechanism.

Staff recommends **disapproval**.

February, 1984 The Corps of Engineers quit claims 3.66 acres to the Full Moon Fishing Club. The conveyance is made on "the condition that the property hereby conveyed shall be used for cottage site development and/or group recreational facilities only. In the event the property herein conveyed is subdivided into two or more lots...[The Full Moon Fishing Club, Inc.] shall comply with all applicable Federal, State and local laws and regulations with respect to any present or future development... including sewage disposal facilities, water supply, and other public health requirements."

March, 1986 Planning Commission recommends approval to rezone the property from R-4 to S-1. Testimony indicated they had 13 sites and wanted to have a club house and a caretaker's house. The approval for the private recreation area was subject to approval of the private sewer system by the Health Department.



PRELIMINARY PLAT

FULL MOON FISHING CLUB

July, 1993 Plat approved for the Martinez Volunteer Fire Department property, based on information that the club merely wanted to delineate the sections allocated to each member.

May, 1995 Initial request to subdivide the property of the Full Moon Fishing Club. Despite meetings and correspondence between the applicant and the Planning Department, the plat was not approved because it was not in accordance with subdivision and zoning regulations. Although there was some discussion concerning revisions to the code that would allow for smaller lot sizes on former Corps property, no such revisions were adopted.

May-November, 1995 According to a letter from the Planning Director to the applicant, the matter was considered by the planning committee of the board of commissioners and was tabled in July. Engineering Services Committee was scheduled to consider matter in November. Due to illness of the planning director the matter was not considered. However, the planning director had confirmed with the county attorney that the proposed subdivision would violate the minimum lot size requirements of the zoning ordinance.

January, 1996 According to the same letter from the Planning Director to the applicant, the matter was scheduled for Development and Environmental Services Committee. New information revealed that the Health Department had concerns with septic tank approval. Staff was under the impression that no property would be sold. Issues with road maintenance were raised.

February, 1996 Director of Planning wrote Mr. Towner telling him why a subdivision of the Full Moon property could not be approved.

August, 1996 Following a meeting between Columbia County staff and Army Corps staff to compare regulations and to find common ground and consistency in the regulations, county staff made several recommendations to the Development and Environmental Services Committee.

It was decided the Corps would review subdivisions adjacent to Corps property for things such as lot sizes, access, water and septic services, setbacks and other development issues. Generally, if the property owner can satisfy the Columbia County subdivision regulations, the plan will generally meet with the approval of the Corps. The Corps requested the opportunity to review preliminary site plans for subdivisions in the lake area.

It was generally determined that S-1 zoning does not contemplate subdivision of property. If subdivision is desired, property should be rezoned to R-4. Because subdividing with lots less than 40,000 square feet is desired by the property owners, some permission may be granted by ordinance amendment to allow some existing clubs to subdivide on 20,000 square foot lots. Any subdivision permission must include Health Department approval for septic tanks, approval of private roads and Corps of Engineers approval of required setbacks and other permitting requirements.

June, 1997 Director of Planning provides Full Moon Fishing Club information in anticipation of a rezoning petition from S-1 to R-4. Director advises the club to evaluate the



PRELIMINARY PLAT

FULL MOON FISHING CLUB

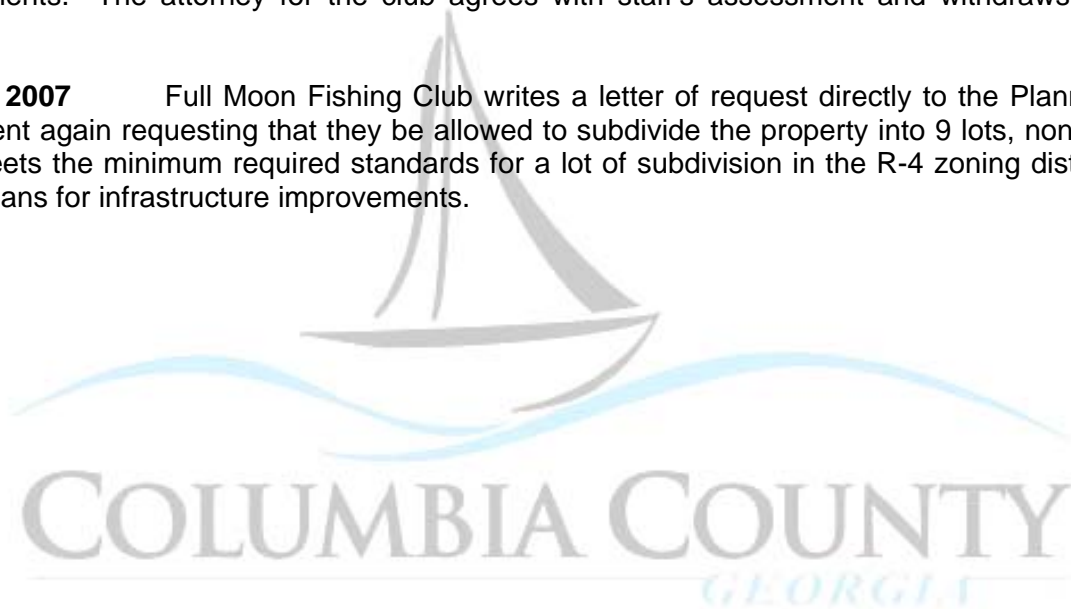
county's subdivision regulations and standards for roads and lot sizes in anticipation that the club would not be able to or did not intend to meet these regulations.

June, 1997 Full Moon Club files an application to rezone its property from S-1 to R-4

July, 1997 After meeting on site among commissioner from that district, planning director and environmental health county manager, the county manager indicated it would not be feasible to develop lots of 0.14 to 0.30 acre at this location.

March, 2006 An attorney for the Full Moon Fishing Club contacts staff about the possibility of subdividing the Club's property according to the plat presented. Staff informs the attorney that the plat cannot be approved due to violations of minimum lot size and street improvements. The attorney for the club agrees with staff's assessment and withdraws the request.

January, 2007 Full Moon Fishing Club writes a letter of request directly to the Planning Department again requesting that they be allowed to subdivide the property into 9 lots, none of which meets the minimum required standards for a lot of subdivision in the R-4 zoning district, with no plans for infrastructure improvements.

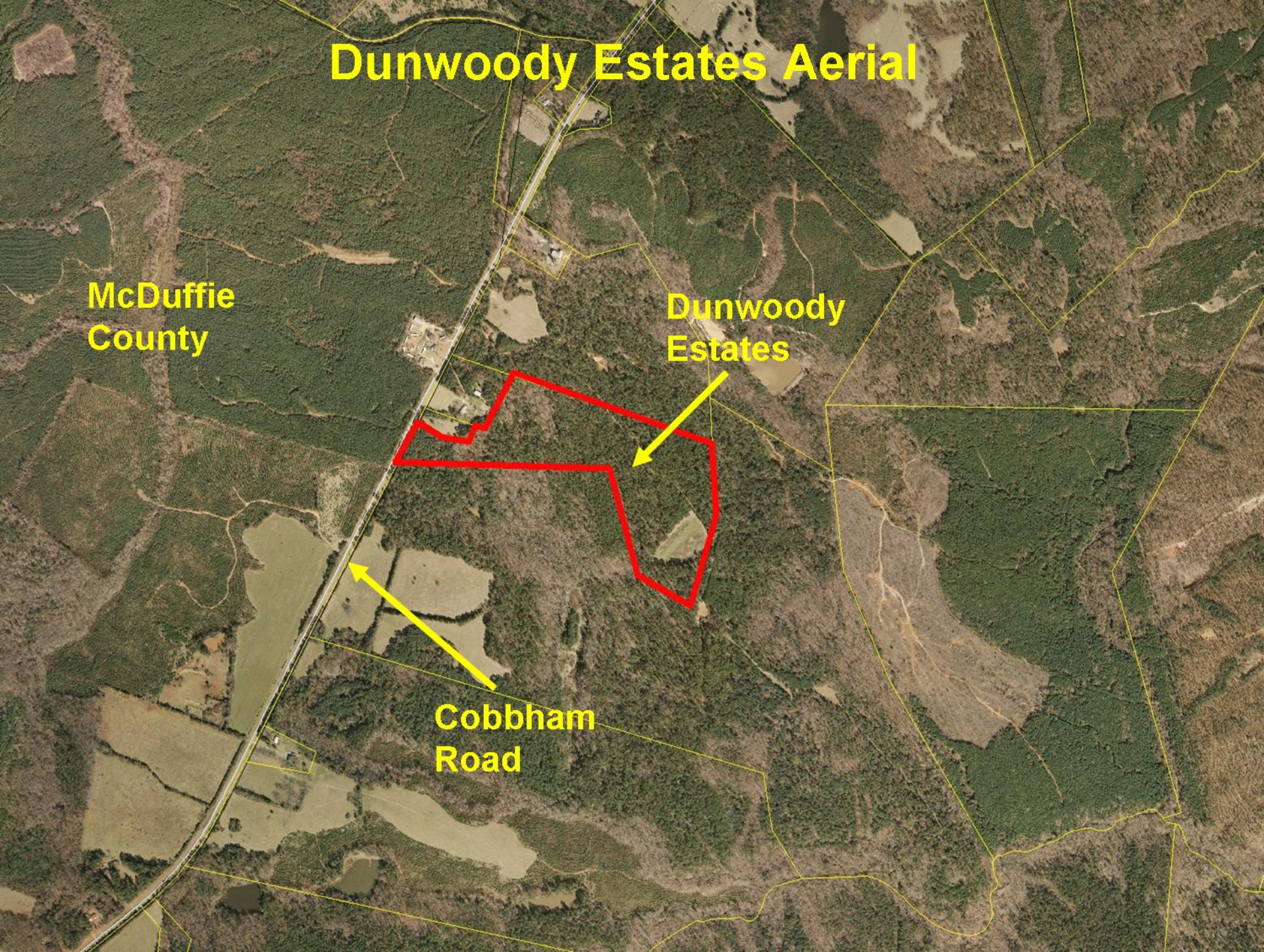


Dunwoody Estates Aerial

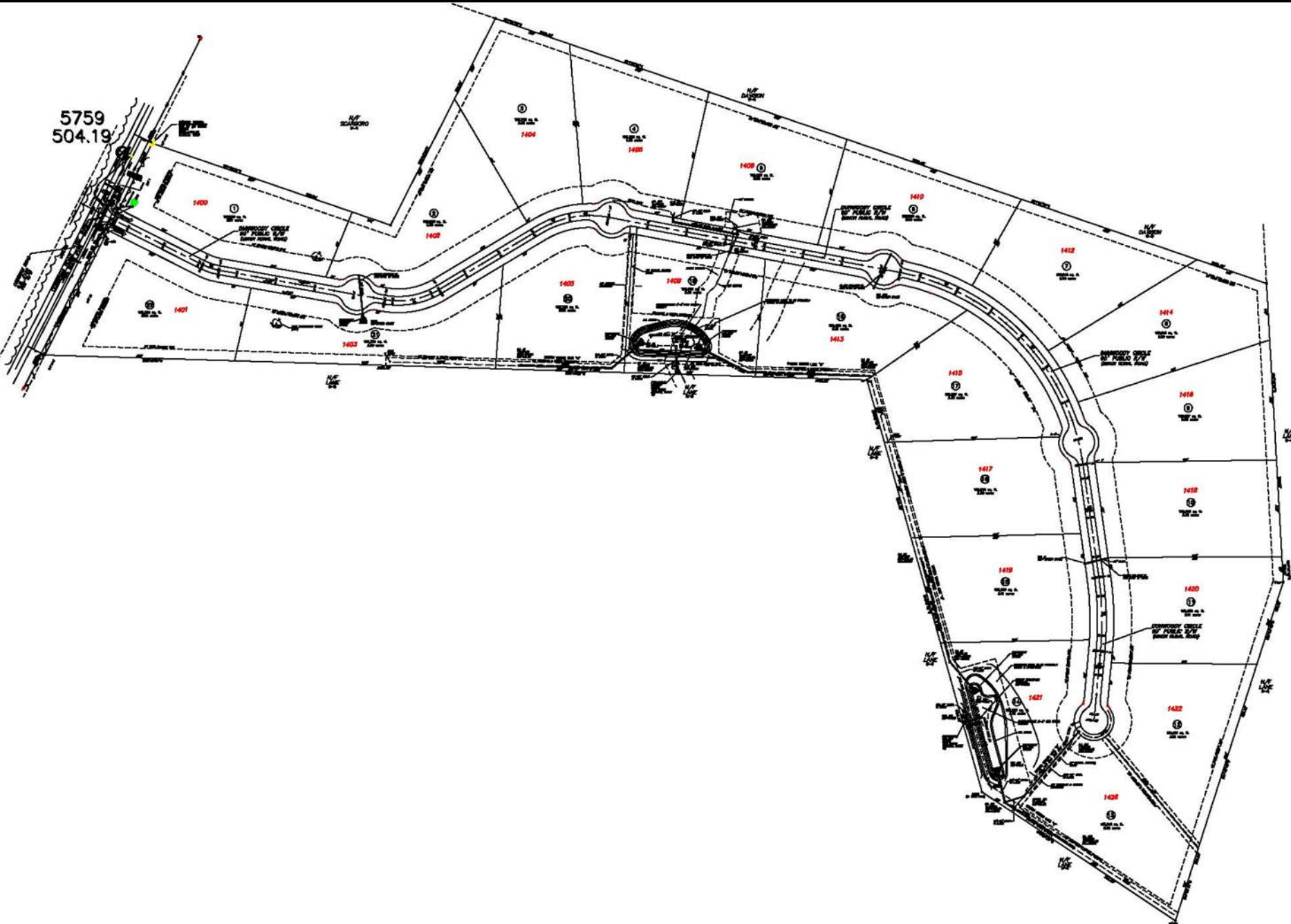
McDuffie
County

Dunwoody
Estates

Cobbham
Road



Dunwoody Estates Site Plan





FINAL PLAT

DUNWOODY ESTATES

Property Information

Subdivision Name	Dunwoody Estates
Location/address	Cobham Road
Development Acreage	57.50 acres
Number of lots/units	21 lots (2.74 acres/lot)
Zoning	R-A (Residential Agricultural)
Streets	Public
Engineer/Surveyor	Cranston Engineering
Commission District	District 4 (Anderson)
Recommendation	Approval

Summary and Recommendation

Chancellor Development, LLC. seeks final plat approval for Dunwoody Estates located on Cobham Road. The subdivision contains 21 lots on 57.50 acres for an average of 2.74 acres per lot. It is zoned R-A (Residential Agricultural).

This subdivision has been through numerous reviews, and staff has met with the developer on several occasions. The final plat has been preliminarily reviewed by staff and there were initially some rather significant concerns from the utility companies, Jefferson Electric in particular. These concerns have been addressed and the County Engineer is now prepared to take this item before the BOC for acceptance of streets and utilities by the county for maintenance. The plat has a few minor changes to be made. The plat is scheduled to go before the Board of Commissioners at their March 6, 2007 meeting.

Staff would inform the Planning Commission that the developer has consistently pushed for approval of this subdivision even though the plans have often come in with significant deficiencies. Additionally, several potential homeowners in this subdivision have called stating that they had been promised by the developer that the subdivision would be ready for them to close on their lots several months ago. These homeowners also advised staff that they have signed contracts to purchase lots and have placed non-refundable monetary deposits on the lots. If this information is true these actions may have constituted a violation of the subdivision regulations which state:

"Sec. 74-41. Sale or conveyance of subdivided land.

No person shall transfer, convey, sell, agree to sell or negotiate to sell any part of a subdivision of land by reference to or exhibition of a plat which has not been prepared, approved and recorded in the manner prescribed in article II of this chapter."

Brook Village II and III aerial

Washington
Road

Hardy McManus
Road

Brook
Village II and
III

Villages at
Greenbrier





FINAL PLAT

BROOK VILLAGE II AND III

Property Information

Subdivision Name	Brook Village II and III
Location/address	Washington Road
Development Acreage	4.26 acres
Number of lots/units	31 units (7.28 units/acre)
Zoning	PUD (Planned Unit Development)
Streets	Public and Private
Engineer/Surveyor	Southern Land Surveyors
Commission District	District 3 (Ford)
Recommendation	Approval with conditions

Summary and Recommendation

GB Development, LLC. seeks final plat approval for Brook Village II and III located off of Washington Road. This development is a continuation of the Villages at Greenbrier, but was renamed as some of the latter portions of the development built out. They are seeking 31 units on 4.26 acres of land for a density of 7.28 units per acre. It is zoned PUD (Planned Unit Development).

The final plat has been reviewed and approved by staff and there are some minor changes needed to the plat prior to release for sale of lots. The plat is scheduled to go before the Board of Commissioners for acceptance of public improvements at their March 6, 2007 meeting.

Staff recommends **approval contingent upon BOC acceptance of improvements**, with all staff conditions included.

Jessie Court Aerial

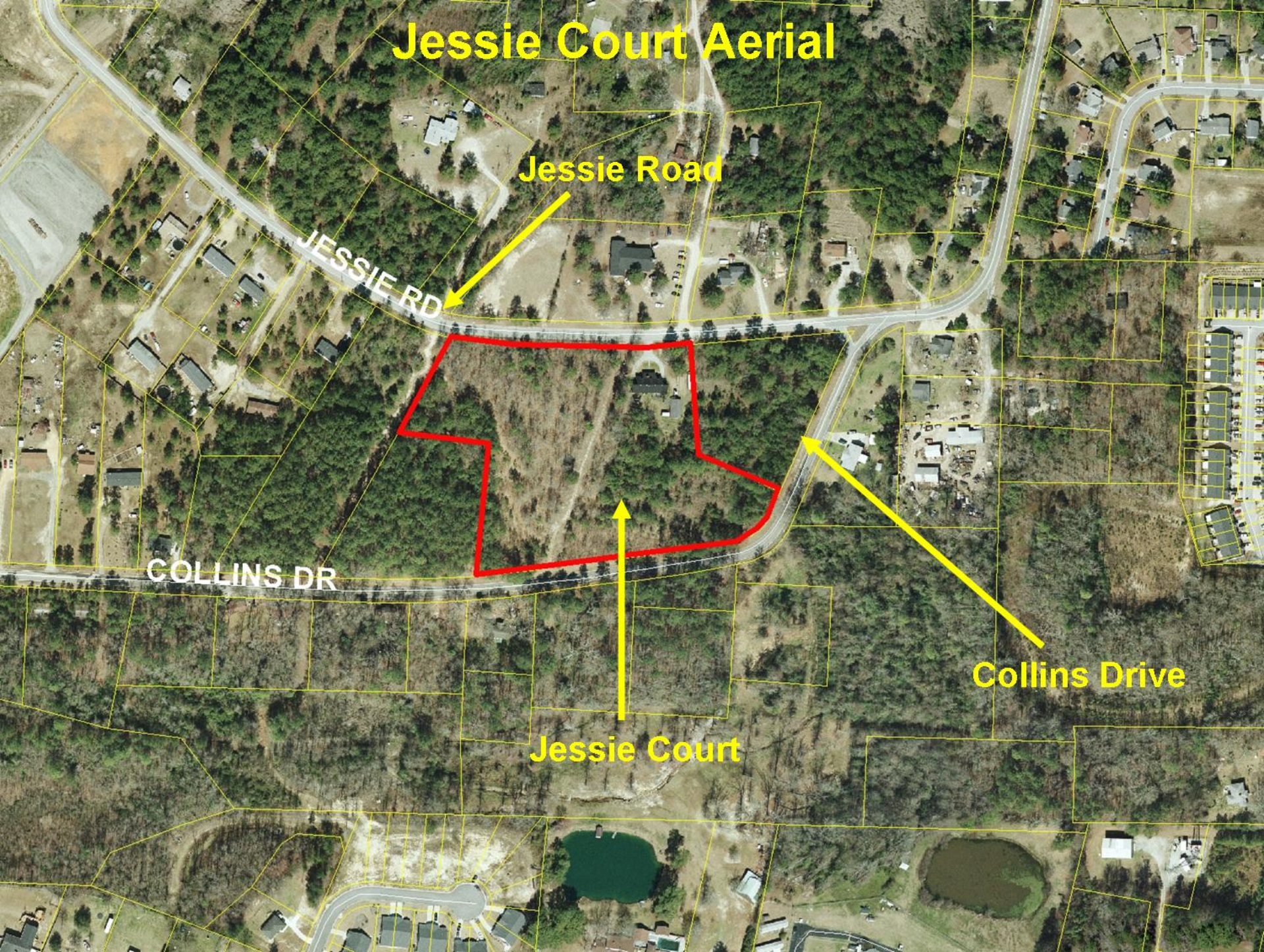
Jessie Road

JESSIE RD

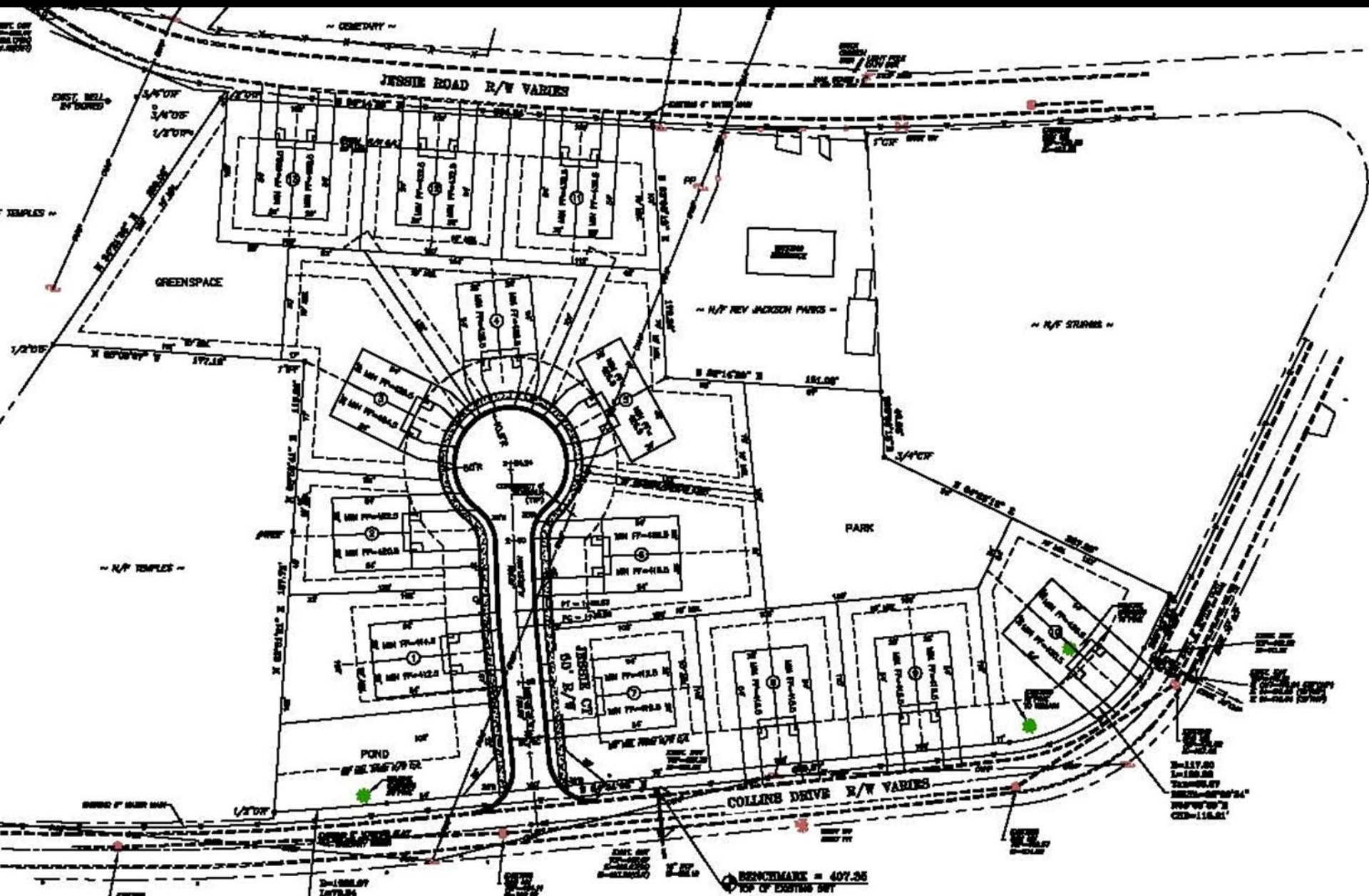
COLLINS DR

Collins Drive

Jessie Court



Jessie Court Site Plan





PRELIMINARY PLAT

JESSIE COURT

Property Information

Subdivision Name	Jessie Court
Location/address	Jessie Road
Development Acreage	4.90 acres
Number of lots/units	13 duplex structures on 26 lots (5.31 lots/acre)
Zoning	R-3A (Two-Family Residential)
Engineer/Surveyor	James Swift & Associates
Commission District	District 3 (Ford)
Recommendation	Disapproval or Tabling at the Petitioner's Request

Summary and Recommendation

Steven Duffie seeks preliminary plat approval for Jessie Court located on Jessie Road. This subdivision contains 13 duplexes split into 26 lots on 4.90 acres for a density of 5.31 lots/acre. It is zoned R-3A (Two-Family Residential), which allows duplexes to be constructed provided that each duplex is on at least 10,000 sq. ft. of property.

This subdivision was submitted to the county for the typical 30 to 35 day review cycle. It has not received approvals from Natural Resources and Conservation (NRCS). Without this required approval, the subdivision cannot be approved on March 1. At that meeting the subdivision will have to be disapproved or may be tabled if requested by the petitioner.

Staff recommends **disapproval or tabling at the petitioner's request to the March 15, 2007 meeting.**

Marshall Office Park Aerial



**One Marshall
Place**

**Marshall
Office Park**

**Evans Town
Center Blvd**

**Industrial
Park Drive**



Marshall Office Park Site Plan



PRELIMINARY PLAT

MARSHALL OFFICE PARK

Property Information

Subdivision Name	Marshall Office Park
Location/address	Industrial Park Drive
Development Acreage	15.50 acres
Number of lots/units	11 lots (1.41 acres/lot)
Zoning	PUD (Planned Unit Development)
Engineer/Surveyor	James Swift & Associates
Commission District	District 1 (Thigpen)
Recommendation	Disapproval or Tabling at the Petitioner's Request

Summary and Recommendation

The petitioner has asked that this preliminary plat application be withdrawn. Staff would concur due to the problems itemized below.

Joseph and Daniel Marshall and D.C. Lawrence Real Estate, LLC seek preliminary plat approval for Marshall Office Park located on Industrial Park Drive. This subdivision contains 11 lots on 15.50 acres for an average of 1.41 acres per lot. It was rezoned from M-1 (Light Industrial) to PUD (Planned Unit Development) in July of 2006, to allow some office uses that are not permitted in the M-1 zoning classification.

This subdivision was submitted to the county for the typical 30 to 35 day review cycle. It has not received approvals from any of the various reviewing agencies. Because there are several issues yet to be addressed by the civil engineer, the subdivision cannot be approved on March 1. Some of the issue include the need for a revised hydrology report, intersection sight distances, an acceleration/deceleration lane is not shown at the entrances into the subdivision, culverts are not properly designed for a 100 year storm, road profile elevations do not meet code, minimum building lines are not shown, a road name is incorrect, no tree protection plan was provided, etc... There are several other issues from NRCS and water utility at this time. At that meeting the subdivision will have to be disapproved or may be tabled if requested by the petitioner.

Rules of Conduct & Rules of Procedure

Table of Contents

**Who and what the Planning Commission is
How appointed
Duties**

**How the Planning Commission conducts its meetings
Regular meetings
Special and rescheduled meetings
Order of business
Procedures for motions, debate and voting
Amendment to or suspension of rules
Public hearings
Preparation for meetings
Minutes
Meeting summary (action agenda)**

**How the Planning Commissioners conduct themselves
Attendance
Decorum
Improper or undue influence
Acceptance of Gifts
Campaign contributions
Disclosure and withholding of information
Conflict of representation
Employment conflicts
Conflicts of interest
Violation of laws
Misleading the public
Upholding laws
Dealing with county staff
Enforcement**

Who and what the planning commission is

How appointed

The planning commission shall consist of five members who shall be appointed by the board of commissioners. One member of the planning commission shall be a resident of each district from which four of the county commissioners are elected; the fifth member of the planning commission shall be appointed from the county at large.

The commissioner elected from a particular election district shall nominate a resident of that district to serve as a member of the planning commission. The chairperson of the board of commissioners shall nominate a resident residing anywhere in the county to serve as the member of the planning commission from the county at large.

Each of the members of the planning commission shall serve a four-year term and until their successors are duly appointed. A vacancy shall be created in the office of any member of the planning commission who no longer resides within the district from which he/she was appointed, or, in the case of the at-large member, who no longer resides within the county.

The board of commissioners shall have the right to remove any member of the planning commission for cause.

Annually the planning commission shall elect one of its members as chairman and one of its members as vice-chairman.

Duties

- Review and approve plats as required in the subdivision regulations.
- Annually assess the county's adopted growth management plan with regard to changing conditions, rezoning approvals and other data, as appropriate.
- Recommend approval or disapproval to the board of commissioners of all amendments to the growth management plan.
- Recommend approval, disapproval or other action to the board of commissioners on all requests for zoning changes or variances as provided in the zoning ordinance.
- Recommend to the board of commissioners changes in those chapters of the county's code of ordinances pertaining to floods (42), mobile homes and trailers (54), subdivisions (74) and zoning (90) that the planning commission believes are appropriate.
- Hear and decide appeals from administrative decisions or for interpretation of the zoning map in accordance with the zoning ordinance.
- Hear and decide requests for temporary permits for mobile homes as provided for in chapter 54.
- Hear and decide all appeals and requests for variances from the requirements of chapter 42 pertaining to floods.
- Conduct such other business and affairs as may be designated by the board of commissioners from time to time.

How the planning commission conducts its meetings

All meetings of the planning commission shall be held in accordance with state and local laws. The public shall at all times be afforded access to all meetings other than executive sessions.

The chairman of the planning commission, or in his absence, the vice-chairman, is responsible for the orderly conduct of meetings. In order to fulfill this duty, the chairman must enforce the

rules of procedure that are adopted by the planning commission. The chairman shall be impartial and conduct the meetings in a fair manner.

Regular meetings

The regular meetings of the planning commission shall be held at 6:30 p.m. on the first and third Thursdays of each month unless the chairman or, in his absence, the vice-chairman, or a vote of the planning commission designates another time and/or date.

The days and times of the planning commission regular meetings shall be available to the general public. A notice containing this information shall be posted and maintained in a conspicuous place available to the public at the regular meeting places of the planning commission. Other means of notification such as the county's web site shall be used as well.

Whenever any meeting required to be open to the public is to be held at a time or place other than at the time or place prescribed for regular meetings, the planning commission shall provide notice at least 24 hours prior to the meeting as follows:

- Written notice at the place of regular meetings
- Written or oral notice to the legal organ in the county (*Columbia County News-Times*) or at the option of the planning commission to a newspaper having equal general circulation in the county
- Notice by telephone or facsimile to media outlets within the county who have requested to be notified in writing.
- Oral or written notice to each commissioner.

Special and rescheduled meetings

A regular meeting of the planning commission may be canceled, rescheduled or moved to a new location by the chairman, or in his absence, the vice-chairman, or the planning commission for any reason.

Special meetings may be scheduled by the chairman or at the request of two commissioners.

Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, notice of the change shall be provided as required for regular meetings.

Order of business

The order of business for all meetings of the planning commission shall be as follows, unless otherwise agreed by a vote of the planning commission:

- **Call to order.** The chairman or, in his absence, the vice-chairman shall, at the hour appointed for the meeting, call the planning commission to order.
- **Roll call/quorum.** Before the commencement of any business the chairman of the planning commission shall declare whether or not a quorum is present, and the names of those present shall be entered in the minutes. The presence of a majority of the members of the planning commission shall constitute a quorum. If, during the course of a meeting, a commissioner leaves so that a quorum is no longer present at the meeting, the meeting cannot continue. If a quorum is not attained or ceases to exist for a period of 30 minutes, the meeting, or the remaining portion thereof, will be rescheduled by the

chairman with the approval of the commissioners present. Members of the planning commission present at a meeting who abstain from voting on a question shall be counted as present for purposes of determining a quorum, but shall not be counted for purposes of determining whether a majority voted for or against the question.

- **Approval of minutes of previous meetings.** The minutes of the previous meeting shall be considered and errors noted and corrected. The minutes shall be accepted and approved by a majority vote of the members of the planning commission present and voting.
- **Reading and approval of agenda.** The agenda shall be read and approved by the planning commission. Items on the agenda may be removed or changed in order of presentation. Items may also be added to the agenda. Any such action shall be by majority vote of the members of the planning commission present and voting. No item requiring legal notification that has not been published may be added to the agenda for action.
- **Consent agenda.** The items which may be placed on the consent agenda shall be routine, administrative and non-controversial matters but may not include matters requiring a public hearing. Upon a vote of a majority of the members of the planning commission present and voting approving the consent agenda items, each and every item shall stand approved as if voted on individually. An item may be removed from the consent agenda and placed on the debate agenda by vote of the planning commission.
- **Debate agenda.** Matters not placed on the consent agenda shall be placed on the debate agenda and shall be taken up as follows:
- **Unfinished business.** The planning commission shall take up matters of business previously considered by the planning commission but which have not been finalized, need further consideration or action or appear on the agenda for the purpose of reconsideration. Generally the order of business will be:
Subdivisions
Zoning
Other
- **New business.** The planning commission shall take up matters of business coming before the planning commission for the first time. Generally the order of business will be:
Subdivisions
Zoning
Other
- **Executive session.** Executive sessions of the planning commission may be held for the purpose of conducting business excepted from public access requirements as authorized by law. No executive session shall be held unless called for by a majority affirmative vote of a quorum of the planning commission taken in a public meeting. The minutes of the public meeting shall reflect the names of the commissioners present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session shall be maintained by the director of planning and development. Minutes shall be maintained in a confidential file and shall

not be subject to disclosure, except that disclosures of the portions of minutes identifying real estate to be acquired by the county may only be delayed until such time as the acquisition of the real estate has been completed, terminated or abandoned, or court proceedings have been initiated.

- **Public comment.** The planning commission shall allow for a period of public comment at the end of each meeting when any person may bring forward business of concern to the county. The chairman may require that any person wishing to address the planning commission give in writing prior to the public comments time his name, address, and the subject matter to be addressed. Comments by any individual or group on a particular subject shall be limited to ten minutes. The planning commission may allow for public comment at its discretion during the consideration of any item of business coming before the planning commission.
- **Adjournment.** Following the consideration of all business to come before the planning commission, and the opportunity for public comment, the planning commission shall be adjourned by the chairman.

Procedures for motions, debate and voting

- **Motions.** All official actions of the planning commission shall be by motion. When a motion has been made, seconded and stated by the chair, the planning commission shall not consider any other business until this motion has been disposed of, except amendments to the motion. If the motion is long and involved, the chairman may ask the maker of the motion to submit it in writing to the clerk rather than stating it aloud. The maker of the motion may not withdraw the motion after it has been stated by the chair or presented in writing to the clerk, except with the consent of the planning commission. All motions must be seconded.

After the original main motion has been made and seconded, the following motions may be made:

- To amend. A motion to amend seeks to change, add or omit words in the original main motion. A motion to amend is debatable. A vote of the planning commission is required to amend the main motion. Amendments to motions may be amended.
- To table. A motion to table seeks to postpone consideration of the main motion under discussion temporarily until such time as the main motion is taken up again by a motion to resume consideration. This motion is debatable.
- To postpone. A motion to postpone seeks to postpone consideration of the main motion to a definite time specified in the motion to postpone. This motion is debatable.
- To reconsider. A motion to reconsider seeks to have a motion already adopted by the planning commission brought back to the planning commission for reconsideration. Such a motion is in order if it is made at the same meeting or at the next regularly scheduled meeting of the planning commission, but such motion must be made by one who voted with the prevailing side. This motion is debatable.
- To adjourn. A motion to adjourn seeks to have the meeting at which the motion is made adjourned and is always in order except when a speaker has the floor, when a vote is being taken or when the planning commission is in the midst of business which cannot be abruptly stopped. This motion is not debatable.

- **Point of order.** A motion on a point of order is always in order, but can be used only to present an objection to a ruling of the chairman or some matter of parliamentary procedure. After the mover has stated the objection, the chairman shall either sustain or deny the point of order raised. If the mover is not satisfied, he may appeal from the decision of the chairman. A majority or tie vote of those planning commission members voting sustains the decision of the chairman as to the point of order.
- **Rules of debate.** No commissioner shall speak more than ten minutes on any question under debate, except by a vote of the planning commission, nor more than once on the same question until all who wish to speak have had the opportunity to do so. When recognized by the chairman, speakers shall confine themselves to the question under debate and shall avoid all personal or inappropriate remarks. No commissioner shall interrupt another while speaking, except to ask for information only or to raise a point of order. If a disturbance or similar matter interferes with the orderly conduct of business, the chairman shall have the authority to declare a recess of the meeting for a period not to exceed 30 minutes.
- **Voting on motions.** The chairman, after allowing sufficient time for debate and consideration, shall have the authority to call the question. When this is done, the question before the planning commission shall be immediately voted upon. An affirmative vote of a majority of the planning commission members present and voting shall be necessary for adoption unless a larger vote is mandated by other provisions of law. A commissioner who abstains from voting shall be counted as not voting, but shall be counted as present for purposes of determining a quorum. Nothing contained in this section shall be construed as depriving the chairman or any other presiding officer of the right to vote or make motions.

Amendments to or suspension of rules

Any proposed amendments to the rules of procedure must be submitted by a commissioner in writing to the director of planning and development three business days before a regular meeting of the planning commission. The proposed amendment shall be included in the agenda for that meeting and distributed to all members of the planning commission.

All amendments to the rules of procedure require a two-thirds vote of the planning commission to be adopted.

Rules of procedure may be suspended in the case of an emergency. A motion to suspend the rules of procedure requires a second, is debatable and requires a two-thirds vote of those commissioners present and voting. Rules governing quorum, voting methods and requirements, the notification of meetings and rules necessary for compliance with state law cannot be suspended.

Public hearings

The planning commission is charged with the responsibility of holding public hearings on certain matters and may hold other public hearings for the purpose of soliciting public comment on any subject of interest to the planning commission.

The public hearing held for zoning changes or text amendments shall be called, and notice published, as provided in the administrative section of the zoning ordinance.

The public hearing shall be convened at the scheduled time and place by the chairman, the vice-chairman or the chairman's designee, who shall preside.

The director shall submit each proposed zoning change or text amendment to the planning commission, together with a report of the director's findings and recommendation.

No person in attendance at such hearing shall speak unless first formally recognized by the chairman.

Each person recognized shall state their name and home address.

The chairman may impose reasonable time limitations on the public discussion of each proposal.

To the extent reasonably possible, equal amounts of time shall be made available to those speaking for and against the proposal.

If reasonable time limits permit, any member of the general public may speak at a hearing; however, the applicant and adjacent property owners shall be afforded the first opportunity to speak.

Following the public hearing on each zoning change or text amendment, the planning commission shall make its recommendation by majority vote of those voting.

Preparation for meetings

The director of planning and development shall prepare an agenda for all regular and special meetings of the planning commission, and staff reports on each matter on the agenda.

The agenda and staff reports shall be provided to the planning commission members at least three days prior to a regular planning commission meeting and as quickly as possible for matters scheduled for a special meeting of the planning commission.

The agenda may be divided into a debate agenda which shall consist of unfinished business and new business, with each matter to be discussed and acted on separately, and the consent agenda for matters not requiring a public hearing and on which staff believes agreement has been reached among all parties.

The agenda shall be available to the public upon request, shall be posted at the meeting site and shall be made available through the county's web site when the agenda and staff reports have been made available to the planning commission members.

The planning commission may add items to the agenda up to the time of the adoption of the agenda at the planning commission meeting so long as no prior legal notification is required for that item.

Minutes

The director of planning and development shall promptly record the minutes for each planning commission meeting. The minutes shall serve as the official written record of the planning commission meeting and shall be open for public inspection once approved as official by the planning commission, but in no case later than immediately following the next regular meeting of the planning commission.

The minutes shall specify the names of commissioners present at the meeting, a description of each motion or other proposal made and a record of all votes. In the case of a roll call vote, the name of each commissioner voting for or against a proposal shall be recorded, and in all other cases it shall be presumed that the action taken was approved by each commissioner in attendance unless the minutes reflect the name of the commissioners voting against the proposal or abstaining.

More detailed information may be included in the minutes at the request of the planning commission. The planning commission must approve the minutes before the minutes can be considered as an official record of the planning commission. A copy of the minutes from the previous meeting shall be distributed to the commissioners at least one business day before the following meeting.

The minutes of the previous meeting shall be corrected and approved by the planning commission at the beginning of each meeting. Conflicts about the content of the minutes shall be decided by a vote of the planning commission. Upon being approved, the minutes shall be signed by the chairman.

Meeting summary (action agenda)

A summary of the subjects acted on and the members of the planning commission present at a meeting (referred to as an “action agenda”) shall be written and made available to the public for inspection within two business days of the adjournment of a meeting.

How Planning Commission members shall conduct themselves:

Attendance

A planning commission member who fails to attend three consecutive regularly scheduled meetings of the planning commission shall automatically be deemed to have abandoned and resigned his position, and the position shall be vacant.

Decorum

In recognition that the planning commissioners are in a position of public trust and that the planning commission’s actions are under continuous public observation, and in recognition that the integrity and dignity of the planning commission is essential for maintaining high levels of public confidence in the Columbia County government, the members of the planning commission shall adhere to the following rules and code of conduct:

- Strive to attend all scheduled meetings of the Planning Commission as well as special or called meetings relevant to the planning commission.
- Prepare in advance for each meeting.
- Create and maintain a professional and positive environment for all meetings of the planning commission.
- Maintain an attitude of courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations.
- Allow citizens, colleagues and staff sufficient opportunity to present their views within the prescribed rules of conduct for meetings of the planning commission.
- Avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens or staff.
- Avoid comments, body language or distracting activity that conveys a message of disrespect or lack of interest.

- Respect all local, state and federal laws, rules and regulations.
- Adhere to all established rules and procedures in conducting all planning commission meetings.
- When circumstances are not guided by established rules and procedures, the planning commission may establish procedures by a majority vote of the planning commission; otherwise, the planning commission will be guided by Roberts Rules of Order.
- Publicly acknowledge and support the official adopted positions of the planning commission.
- All commissioners must conduct themselves in a professional and respectful manner.
- All remarks shall be directed to the chairman and not to individual commissioners, staff or citizens in attendance.
- Personal remarks are inappropriate.
- A commissioner may not speak at a meeting until he has been recognized by the chairman.
- All comments made by a commissioner shall address the motion that is being discussed.
- The chairman shall enforce these rules of decorum.
- If a commissioner believes that a rule has been broken, he can raise a point of order. A second is not required.
- The chairman can rule on the question or he can allow the planning commission to debate the issue and decide the issue.
- Members of the public shall not make inappropriate or offensive comments at a planning commission meeting and are expected to comply with the rules of decorum that are established for commissioners.
- Individuals who violate any rules of the planning commission may be ruled out of order by the chairman or on a point of order made by a commissioner.
- The planning commission will rule on the point of order.
- An individual who violates the rules of decorum may be removed from the meeting at the direction of the chairman.

Improper or undue influence

No planning commissioner shall by his conduct give the impression that any person can improperly influence him or receive undue favor in official acts or actions, or that he is affected unduly by the kinship, rank, position or association with any person.

Acceptance of gifts

No planning commission member shall directly or indirectly request, accept or agree to accept a gift, loan, favor, promise or thing of value for himself or another person if:

- It tends to influence him in the discharge of his official duties; or
- He recently has been, is now or in the near future will be involved in any official action or action indirectly affecting the donor or lender.

This section shall not apply in case of:

- An occasional non-pecuniary gift of insignificant value;
- An award publicly presented in recognition of public service; and
- A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of the state to engage in the making of such a loan.

Campaign contributions

The provisions of this article do not apply with respect to campaign contributions made to an official or department head in compliance with O.C.G.A. tit. 21, ch. 5, commonly known as the Georgia Campaign and Financial Disclosure Act.

An official, appointed official or department head who has received a campaign contribution aggregating \$251.00 or more from any person or business appearing before the commission shall file a disclosure report with the county planning commission showing:

- (1) The date the campaign contribution or gift was made; and
- (2) The dollar amount of each campaign contribution made by the person appearing before the commission.

The disclosure required in this section shall be made within ten days of the official, appointed official or department head learning that such person or business entity has a matter involving the county.

Disclosure and withholding of information

No planning commission member shall disclose or otherwise use confidential information acquired by virtue of his position with the county for his or another person's private gain.

No planning commission member shall provide intentionally misleading information to any person, nor withhold necessary information from other planning commission members. All planning commission members shall have equal access to necessary information with no secret communication of necessary information between planning commission members.

No planning commissioner shall discuss any matter pending before the planning commission with anyone outside a public hearing. All letters or other material personally received by a planning commissioner shall be provided to each planning commissioner at the public hearing on the item in question.

Conflict of representation

No planning commission member shall appear before the planning commission on his own behalf, without making such disclosures and/or abstaining, nor under any circumstances represent or appear on behalf of any person, whether paid or unpaid, before the planning commission, or otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. No planning commissioner shall represent an applicant before the planning commission.

Employment conflicts

No planning commission member shall engage in employment with or render services for any private business or professional activity when it is adverse to and incompatible with the proper discharge of his official duties.

Conflicts of interest

A planning Commissioner shall have a conflict of interest if he or his family has a property interest in any real property affected by action on an application before the planning commission or has a financial interest in any business entity that has a property interest in any real property affected by action on an application before the planning commission.

Any planning commissioner having a conflict of interest shall immediately disclose the nature and extent of such interest in writing to the planning commission. These disclosures shall be made a public record. No planning commissioner shall vote or participate on a matter on which he has a conflict of interest.

A planning commission member who has an interest (see definition below) that he has reason to believe may be affected by or may affect his official acts or actions, or the official acts or

actions of the county, shall immediately disclose the nature and extent of such interest in writing to the planning commission for the public record, and shall abstain from participating in such official acts or actions affecting or affected by such interest.

A planning commission member who has an interest other than that defined below, that he has reason to believe may be affected by or may affect his official acts or actions, or the official acts or actions of the county, shall disclose such interest where failure to disclose such interest would create the impression of impropriety. The planning commission member shall abstain from participating in official acts or actions affected by or affecting such interest at the discretion of the planning commission.

Violation of laws

No planning commission member shall engage in any activity or transaction that is prohibited by state or federal law or county ordinance which is applicable to him by virtue of his office.

Misleading the public

A planning commission member shall not knowingly mislead the public as to the existence of a fact when such fact is known to such individual or should have been known by the reasonable exercise of diligence.

A member of the planning commission shall not knowingly mislead the public as to a matter of law when such matter of law is known to such individual or should have been known by the reasonable exercise of diligence.

Upholding laws

A planning commission member shall uphold and comply with the county Code of Ordinances, the various policy and procedure manuals of the county and the rules and regulations of the county.

Dealing with departments through department heads

A planning commission member shall conduct all business with a particular department through the properly designated head of such department, except when specifically otherwise authorized by a department head or a majority of the planning commission.

Enforcement

If any member of the planning commission intentionally fails to follow the requirements of this code of ethics, it shall be the duty of the other parties knowledgeable of the violation to report such failure to comply to the board of commissioners and for the board of commissioners, after proper investigation, to take whatever action is deemed necessary and appropriate.

* Interest means any direct or indirect pecuniary or material benefit held by or accruing to an official, appointed official or department head as a result of a contract or transaction which is or may be the subject of a contract or transaction which is or may be the subject of an official act or action by the county. Unless otherwise provided, the term "interest" does not include any remote interest. For the purpose of this chapter, an official, appointed official or department head is deemed to have an interest in transactions involving or affecting any:

- (1) Person in his immediate family;
- (2) Person with whom a contract exists;

- (3) Business in which he is an employee or prospective employee, or in which the official, appointed official or department head, or a member of his immediate family, is a director or officer;
- (4) Business in which an official, appointed official or department head, or his immediate family, owns a whole or part interest, except publicly traded shares of a corporation; and
- (5) Corporation in which an official, appointed official or department head, and/or his immediate family, owns five percent or more of the number of outstanding publicly traded shares of such corporation.